

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RONALD J. MESIC, JR.,

Plaintiff,

vs.

Case No. 23-

PROVIDENT LIFE AND ACCIDENT  
INSURANCE COMPANY,

Defendant.

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DONALD W. BUSTA, JR. (P67544)

Attorney for Plaintiff

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**PLAINTIFF'S COMPLAINT**

NOW COMES Plaintiff, RONALD J. MESIC, JR., by and through his attorneys, DONALD W. BUSTA, JR, and LEVINE BENJAMIN, P.C., and for his Complaint against Defendant, PROVIDENT LIFE AND ACCIDENT INSURANCE COMPANY, states as follows:

1. At all times, relevant hereto, Plaintiff, RONALD J. MESIC, JR., is a resident of the City of Warren, County of Macomb and State of Michigan.

2. At all times, relevant hereto, Defendant, PROVIDENT LIFE AND ACCIDENT INSURANCE COMPANY, is a foreign insurance corporation in good standing and continuously conducting business throughout the State of Michigan.

3. At all times, relevant hereto, Defendant, PROVIDENT LIFE AND ACCIDENT INSURANCE COMPANY, was compensated for and provided Long-Term Disability coverage pursuant to the terms of an insurance policy provided for the benefit of Plaintiff, RONALD J. MESIC, JR., made available through his employer.

4. The Long-Term Disability insurance policy issued by Defendant, PROVIDENT LIFE AND ACCIDENT INSURANCE COMPANY, is covered by and within the meaning of the Employee Retirement Income Security Act (“ERISA”), 29 U.S.C. § 1001 et seq.

5. The terms of said contract of insurance obligated Defendant, PROVIDENT LIFE AND ACCIDENT INSURANCE COMPANY, to provide Plaintiff, RONALD J. MESIC, JR., with Long-Term Disability Benefits in the event that Plaintiff was rendered unable to work due to injury, disease or other medical condition.

6. That Plaintiff, RONALD J. MESIC, JR., suffers from medical conditions including but not limited to: fibromyalgia with associated pain, fatigue and concentration deficits, neuropathy, obstructive sleep apnea, major depressive

disorder and generalized anxiety disorder. As a result, Plaintiff's conditions have made it impossible for him to work.

7. Defendant, PROVIDENT LIFE AND ACCIDENT INSURANCE COMPANY, has wrongfully denied Plaintiff's Long-Term Disability Benefits.

8. Defendant's denial of benefits was arbitrary and capricious and was contrary to medical and other evidence that overwhelmingly supports Plaintiff's claim of total and permanent disability. Defendant's refusal to pay Plaintiff's benefits therefore amounts to a breach of the contract for insurance.

9. Plaintiff, RONALD J. MESIC, JR., has exhausted all required appeals and/or reconsideration processes provided by Defendant; nevertheless, Defendant refuses payment of benefits rightfully due and owing to Plaintiff.

10. Plaintiff, RONALD J. MESIC, JR., is a person empowered to bring a civil action under 29 U.S.C. § 1132(a)(1)(B) to force the Defendant to comply with the Act and pay Long-Term Disability Benefits to Plaintiff.

11. 29 U.S.C. § 1132(a)(1)(B) reads as follows:

(a) Persons Empowered to Bring a Civil Action  
A civil action may be brought –

(1) by a participant or beneficiary –

(B) to recover benefits due to her under the terms of the plan, to enforce her rights under the terms of the plan, or to clarify her rights to future benefits under the terms of the plan[.]

12. As a result of Defendant's wrongful denial of Long-Term Disability Benefits, Plaintiff, RONALD J. MESIC, JR., has sustained the following damages, including, but not limited to:

- (a) Loss of past, present and future income in the form of wage loss compensation benefits.

**WHEREFORE**, Plaintiff, RONALD J. MESIC, JR., prays for Judgment in his favor and against the Defendant, PROVIDENT LIFE AND ACCIDENT INSURANCE COMPANY, in whatever amount he is found to be entitled, in addition to costs, interest and attorney fees.

Respectfully submitted,

LEVINE BENJAMIN, P.C.

/s/ Donald W. Busta, Jr.

Attorneys for Plaintiff

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Dated: January 18, 2023